

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF GEORGIA**  
**SAVANNAH DIVISION**

JOHN ERIC SIMMONS,

Plaintiff,

V.

Case No. CV411-055

MS. ROSILYN BLACK, *et al.*

**Defendants.**

## REPORT AND RECOMMENDATION

Having filed two unsuccessful lawsuits under 42 U.S.C. § 1983,<sup>1</sup> John Eric Simmons filed his third, this time against a variety of individuals who did things like “systematically commit[] . . . perjury against [him] in violation of O.C.G.A. § 17-1-4.” Doc. 1 at 8. The Court ordered him to show cause why this case should not be dismissed for lying on his complaint. That response was due April 6, 2011. On April 6, 2011

1 See *Simmons v. Prison Health Services*, 2010 WL 5508499, No. CV408-239, doc. 35 (S.D. Ga. Aug 12, 2010) (advising dismissal with prejudice), *adopted*, 2011 WL 31088, doc. 44 (S.D. Ga. Jan. 5, 2011); *Simmons v. St. Lawrence*, 2009 WL 485195, No. CV408-216, doc. 7 at 5 (S.D. Ga. Feb. 10, 2009) (“Because plaintiff John Eric Simmons has failed to state a claim for which § 1983 relief may be granted, the Court recommends that his complaint, as amended, be DISMISSED.”), *adopted*, doc. 9 (Feb. 26, 2009).

the Clerk entered, in response to the service of that Order, "Mail Returned as Undeliverable" on the docket. Doc. 4. Simmons, who listed a non-prison address, thus has presumably failed to keep the Court updated as to his current address. In any event he has failed to show cause, so his complaint should be **DISMISSED**.

**SO REPORTED AND RECOMMENDED** this 11th day of April, 2011.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT of GEORGIA